	Case 2:05-cv-01272-PMP-GWF Docum	nent 30 Filed 02/13/07 Page 1 of 2
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5	UNITED STATES DISTRICT COURT	
6	DISTRICT OF NEVADA	
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8	BARRY CANTRELL,	
9	Petitioner,	2:05-CV-1272-PMP-GWF
10	vs.	
11	WARDEN NEVENS, et al.,	ORDER
12	Respondents.	
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14	This is an action on a petition for writ of habeas corpus. The petition was dismissed	
15	with prejudice and judgment entered on January 4, 2007. On February 1, 2007, petitioner filed his	
16	notice of appeal and Motion for Certificate of Appealability (dockets #27 and #28). He has also filed	
17	a motion for enlargement of time to file a motion for reconsideration (docket #29).	
18	In the motion for enlargement of time, petition seeks a deadline of February 10, 2007	
19	to file his motion. The basis for petitioner's motion is unclear, although it may be that petitioner is	
20	not allowed what he considers to be sufficient time in the law library. The motion for time (docekt	
21	#29) shall be granted and petitioner shall have until February 10, 2007 to file his proposed motion	
22	for reconsideration.	
23	The motion for certificate of appealability shall be denied. The standard for the	
24	issuance of a certificate of appealability calls for a "substantial showing of the denial of a	
25	constitutional right." 28 U.S.C. §2253(c). The Supreme Court has interpreted 28 U.S.C. §2253(c)	
26	as follows:	

Where a district court has rejected the constitutional claims on 1 the merits, the showing required to satisfy §2253(c) is straightforward: 2 The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or 3 wrong. The issue becomes somewhat more complicated where, as here, the district court dismisses the petition based on procedural grounds. We hold as follows: When the district court denies a habeas 4 petition on procedural grounds without reaching the prisoner's 5 underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether 6 the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district 7 court was correct in its procedural ruling. 8 Slack v. McDaniel, 529 U.S. 473, 484 (2000); see also James v. Giles, 221 F.3d 1074, 1077-79 9 (9th Cir. 2000). The Court finds that petitioner has not met this standard. 10 The Court finds that jurists of reason would not find debatable the question whether petitioner's habeas corpus petition was filed within the time allowed by the one-year statute of 11 12 limitations imposed by the Antiterrorism and Effective Death Penalty Act (AEDPA) or that he is 13 entitled to equitable tolling of the limitations period due to a relocation of the prison mail room. IT IS THEREFORE ORDERED that petitioner's Motion for an Enlargement of 14 15 Time (docket #29) is **granted**. Petitioner's motion for reconsideration shall be filed no later than February 10, 2007. 16 17 IT IS THEREFORE ORDERED that petitioner's application for issuance of a 18 certificate of appealability (docket #28) is **DENIED**. 19 DATED: February 8, 2007 20 21 UNITED STATES DISTRICT JUDGE 22 23 24 25 26